

1 Glenn R. Kantor, State Bar No. 122643

gkantor@kantorlaw.net

2 Peter S. Sessions, State Bar No. 193301

psessions@kantorlaw.net

3 KANTOR & KANTOR LLP

19839 Nordhoff Street

4 Northridge, California 91324

Telephone: (818) 886-2525

5 Facsimile: (818) 350-6272

6 Attorneys for Plaintiff

ALICIA MACKEY

7 Katherine L. Kettler, State Bar No. 231586

klk@millerlawgroup.com

8 Jennifer A. Shy, State Bar No. 131074

jas@millerlawgroup.com

9 MILLER LAW GROUP P.C.

10 111 Sutter Street, Suite 700

San Francisco, CA 94104

11 Telephone: (415) 464-4300

Facsimile: (415) 464-4336

12 Attorneys for Defendant

13 INTEL CORPORATION LONG TERM DISABILITY PLAN

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
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19 ALICIA MACKEY,

20 Plaintiff,

21 vs.
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23 AETNA LIFE INSURANCE COMPANY;
24 INTEL TOTAL COMPENSATION AND
BENEFIT PACKAGE; INTEL CORPORATION
25 LONG TERM DISABILITY PLAN,

26 Defendants.
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Case No. CV 09-2288 CRB

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO CONTINUE SCHEDULE FOR CROSS-
MOTIONS FOR SUMMARY JUDGMENT**

1 The parties to this action, Plaintiff Alicia Mackey and Defendant Intel
2 Corporation Long Term Disability Plan (collectively “the parties”), through their respective
3 attorneys of record, hereby stipulate and agree to the following:

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5 1. This is an action for long term disability (“LTD”) benefits under an
6 employee welfare benefit plan regulated by the Employee Retirement Income Security Act
7 of 1974, 29 U.S.C. §§ 1001 *et seq.* (“ERISA”).

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9 2. The Court has previously set a schedule for cross-motions for summary
10 judgment in this case, in which the parties would file their opening briefs on January 14,
11 2011, opposition briefs on January 28, 2011, reply briefs on February 4, 2011, with a
12 hearing set for February 18, 2011, at 10:00 a.m. (see Docket No. 37, “Further Stipulation to
13 Set Schedule for Cross-Motions for Summary Judgment,” July 8, 2010).

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15 3. As the Court is aware from prior filings, the parties participated in an
16 early neutral evaluation (“ENE”) pursuant to the Court’s ADR procedures on December 14,
17 2009.

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19 4. While this matter was not resolved at the ENE session, the parties
20 conducted further significant and substantive settlement discussions after that session.

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22 5. As part of those discussions, the parties agreed to jointly retain a board-
23 certified physician to conduct an in-person Independent Medical Examination (“IME”) of
24 Plaintiff.

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1 6. The parties further agreed that Aetna, the claims administrator for the
2 LTD plan, would review the IME report prepared by the physician, and conduct a re-review
3 of Plaintiff's appeal.

4 7. The parties further agreed that the outcome of Aetna's re-review would
5 determine whether the case will be dismissed or presented to the Court for further review.
6

7 8. The discussion and negotiation over the parameters of this agreement,
8 the discussion regarding which physician should conduct the examination, the scheduling
9 and completion of the IME and Aetna's now-pending review of the IME report, have
10 consumed considerable time. Currently, Aetna is performing its review, and the parties
11 anticipate receiving a decision from Aetna within the next couple of weeks.
12

13 9. Because the parties have devoted their energies to attempting to
14 resolve this matter without further assistance from the Court, and are currently awaiting the
15 results of those efforts, they do not wish to burden the Court and expend potentially
16 unnecessary resources in preparing the briefing as currently scheduled by the Court.
17

18 10. However, if the matter is not resolved pursuant to the parties'
19 settlement efforts, the parties wish to have sufficient time to resolve anticipated discovery
20 disputes and prepare their respective cross-motions for summary judgment, opposition, and
21 reply briefs; to extent such discovery and motions remain necessary.
22

23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and
24 Defendant, by and through their respective undersigned attorneys of record, to continue the
25 date set for hearing on the parties' cross-motions for summary judgment, as well as all
26 associated deadlines, including the deadlines for the filing of the parties' opposition and
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1 reply briefs, and the date scheduled for the next Case Management Conference to be set by
2 the Court, as follows:

3
4 Last day for parties to file and serve cross-motions for summary judgment:

5 May 11, 2011

6 Last day for parties to file and serve opposition briefs:

7 May 25, 2011

8 Last day for parties to file and serve reply briefs:

9 June 1, 2011

10 Hearing on parties' cross-motions for summary judgment:

11 June 17, 2011 at 10:00 a.m.

12 Case Management Conference:

13 _____ June 17, 2011 _____, 2011, at 10:00 a.m. _____

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1 Good cause exists for this continuance of the existing deadline for filing the parties'
2 cross-motions for summary judgment, and all associated deadlines, as well as the next
3 Case Management Conference, as set forth above.

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5 IT IS SO STIPULATED:

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7 Dated: December 13, 2010

MILLER LAW GROUP
A Professional Corporation

8
9 By: /s/ Katherine L. Kettler
10 Katherine L. Kettler
11 Attorneys for Defendant
12 INTEL CORPORATION LONG TERM
13 DISABILITY PLAN

14 Dated: December 13, 2010

KANTOR & KANTOR, LLP

15
16 By: /s/ Peter S. Sessions
17 Glenn R. Kantor
18 Peter S. Sessions
19 Attorneys for Plaintiff
20 ALICIA MACKEY
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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, and good cause shown, the scheduling of the hearing on the parties' cross-motions for summary judgment, and all associated deadlines, are set as follows:

Last day for parties to file and serve cross-motions for summary judgment:

May 11, 2011

Last day for parties to file and serve opposition briefs:

May 25, 2011

Last day for parties to file and serve reply briefs:

June 1, 2011

Hearing on parties' cross-motions for summary judgment:

June 17, 2011 at 10:00 a.m.

Case Management Conference:

June 17, 2011, 2011, at 10:00 a.m.

IT IS SO ORDERED.

Dated: December 14, 2010

